

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**ROBERT HARRIS and KENNETH  
MARTIN**

*Plaintiffs*

**V.**

**SAIA MOTOR FREIGHT LINE, LLC**

*Defendant*

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**Civ. No. 4:15 – cv-3536**

**JURY DEMANDED**

**PALINTIFFS' ORIGINAL COMPLAINT**

TO THE HONORABLE COURT:

Plaintiffs Robert Harris and Kenneth Martin, complaining of SAIA MOTOR FREIGHT LINE, LLC file this Complaint and show:

**I. PRELIMINARY STATEMENT**

This action seeks damages for discrimination against Plaintiffs based upon their race in the course of his employment with Defendant SAIA MOTOR FREIGHT LINE, LLC. Plaintiffs demand a jury on all issues triable to a jury.

**II. JURISDICTION**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1332 in that it is a controversy between citizens of different states and the amount in controversy exceeds \$75,000.00.

2. The Court has personal jurisdiction over the Defendant since it operates a business in Texas, and Defendant therefore has *minimum* contacts with the State of Texas.

### **III. VENUE**

3. Venue is proper in this the United States District Court for the Southern District of Texas under 28 U.S.C. § 1391(b) as the Plaintiff resides in this district and a substantial part of the events or omissions giving rise to the claims occurred within the Southern District of Texas.

### **III. PARTIES**

4. Plaintiff Robert Harris is an individual residing in Houston, Texas.

5. Plaintiff Kenneth Martin is a black male residing in Houston, Texas

6. Defendant, SAIA Motor Freight Line, LLC (SAIA) is a Georgia limited liability company authorized to do business in Texas. SAIA may be served with citation on its registered agent CT Corporation System, 1999 Bryan Street, Dallas, Texas 75201-5306.

### **IV. FACTUAL ALLEGATIONS**

7. SAIA is a trucking and freight hauling company that operates throughout the United States.

8. Harris is an African American male who was employed with SAIA beginning in September 2000 as an operations supervisor. He was promoted to Operations Manager in 2006.

9. Martin is an African American male who was employed with SAIA beginning in March 2002 as an operations supervisor. He was subsequently promoted to Operations Manager- Outbound.

10. In 2007 Martin was promoted to City Manager.

11. In 2012 Don Langford became the Assistant Terminal Manager for SAIA's Houston terminal. Langford was a racist who said that SAIA's Houston terminal "wouldn't have another 'colored in management.'" Langford would refer to Martin as "Blue," because, he believed Martin was "so Black" he looked blue.

12. In April or May 2013, Harris applied for the position of Regional Safety Manager. He was interviewed for the position by Karla Starver, Director of Safety. Staver hired a white male school teacher who had no experience in freight. The school teacher was terminated soon after and Harris again expressed his interest in the position but was not called back for another interview. The position remained open until after Harris was terminated. At that time the position was filled by a white male who was a Texas State Trooper.

13. In the fall of 2013, Langford began terminating Black employees from the Houston terminal.

14. On December 18, 2013, Harris was called into a meetings with Marty Redding, Director of Human Resources for SAIA and Bill Kennedy. Redding at first said that Harris was being terminated for taking bribes from contract drivers and for selling freight. The accusation was completely false and when Harris asked for details concerning the accusation, Redding said SAIA just wanted to "part ways" with him and told him he could resign or be terminated. Harris chose to be terminated.

15. Prior to December 18, 2013 Harris had never been disciplined. He was never asked about any "bribery" allegations.

16. On the same day Martin was also called into a meeting with Redding and Kennedy and he too was accused of taking bribes and selling freight. Prior to December

18, 2013, Martin had never been disciplined nor had he ever been questioned about taking bribes or selling freight.

17. On the same day that Harris and Martin were being terminated they were replaced by white males. SAIA terminated in excess of 10 black males during December 2013 from the Houston terminal

**V.**  
**CONDITIONS PRECEDENT**

19. Martin and Harris timely filed Charges of Discrimination with the EEOC/TWC-Civil Rights Division. More than 180 days have passed without a determination by the TWC Civil Rights Division on their charges.

**VI.**  
**CAUSES OF ACTION**

**Discrimination in Employment**

22. Martin and Harris were terminated from SAIA because of their race in violation of chapter 21 of the Texas Labor Code. .

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs Robert Harris and Kenneth Martin, pray that Defendant SAIA Motor Freight Line, LLC be cited to appear and that on final trial of this matter that the Court award them:

- a. back pay from December 18, 2013 to the date of judgment less any earnings in the interim;
- b. front pay;
- c. compensatory and punitive damages arising from the unlawful employment practices as allowed by law;

- d. attorney fees;
- e. pre-judgment interest and post-judgment interest on all such sums;
- f. costs of court; and
- g. all other relief, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

By: /s/ Linda D. King

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